

JIM CONVERVY

Navigating Employment Law With Perspective

by Sherry Karabin

Growing up on the North Side of Chicago, Laner Muchin Ltd. Managing Partner James J. Convery did not have the easiest life.

His father passed away after being injured in a work-related construction accident when Convery was in seventh grade, leaving his mother to raise him and his three young siblings.

“We were living in a small apartment, and it was a bit of a struggle,” Convery says.

“We all pitched in where we could by working and helping each other out.”

In fact, Convery says he might never have entered the legal profession if it weren't for a distant cousin, the late Illinois Supreme Court Chief Justice Daniel P. Ward.

“Not only was Justice Ward the former Cook County State's Attorney and the dean of DePaul University College of Law, he was very close to my father,” says Convery.

“He mentored me and asked if law school was of interest to me.” Convery would go on to receive his bachelor's degree and later his law degree from DePaul University.

Today the 62-year-old has carved out a niche for himself in employment law by securing many successes in state and federal court.

Jim Jones, a childhood friend and longtime client, says Convery's upbringing has given him a unique perspective when handling employment law matters.

“Jim grew up with one foot in the blue-collar world, and I think his experiences allow him to have an appreciation for both sides of employment disputes,” says Jones, who serves as executive vice president, chief operating officer and chief financial officer at the leading foodservice equipment and supplies distributor Edward Don & Company.

“Jim knows how to speak the language not only on the shop floor and with union workers but also with those in the boardroom. I think that allows him to bring added credibility to his work.

“I've known him since grammar school, and I've witnessed his ups and downs firsthand,” says Jones. “Jim has an affinity for people and is a very good conversationalist.

“As an attorney, he has the highest ethics, and he's not afraid to tell a client the truth about



their case,” says Jones. “He has definitely set me straight a few times.”

While Convery credits Justice Ward with gently guiding him toward a legal career, the decision did not happen overnight.

In high school at Gordon Tech, he began working part-time for Jewel Food Stores, which eventually led to an offer to enter the company's management program.

“I was majoring in business at DePaul, and I was not sure what I wanted to do at the time,” he says. “I decided to choose law school in my senior year.”

Although he left the company in 1982 after he secured his law degree, he will always remember his time at Jewel Food Stores since that's where he met his wife, Eileen.

“I was a stock boy, and she was working the register,” he says. “We must have been around 18 or 19.”

He continued working at Jewel through high school, college and law school to make ends meet.

Convery married Eileen in 1982. They have two children. Michael recently graduated from Dominican University and Jackie is an emergency room critical care nurse at Loyola Hospital.

EVOLVING IN EMPLOYMENT LAW

He began his legal career as an assistant corporation counsel in the City of Chicago Corporation Counsel's office, where he served as a law clerk during his last year at DePaul University College of Law.

His supervisor in the Labor and Employment Division of the Corporation Counsel's Office was former Laner Muchin managing partner Joseph Gagliardo, now of counsel at the firm and a judge on the Illinois Court of Claims.

“When I first met Jim, I knew several things—he's a very good person and he has a strong work ethic and a desire to learn,” says Gagliardo, who left his position as First Deputy Corporation Counsel with the city

in 1988 to join Laner Muchin. A few months later, he recruited Convery to join the firm.

“I was very impressed with Jim's lawyering skills and his ability to deal with clients and work well with other attorneys,” says Gagliardo. “When I was managing partner, he was my right-hand person.

“Jim is a very detail-oriented lawyer, who does an excellent job gathering and analyzing the facts.

“When I stepped down as managing partner to take the bench, it was a natural transition for Jim to take my place,” Gagliardo says. “I know the firm is in good hands with Jim.”

Convery says when he started working for the city of Chicago he wasn't sure what type of matters would interest him the most. But after spending more than six years handling employment law cases, his path was clear.

“Employment law was a new and developing area when I started in the 1980s, and it continues to evolve today,” Convery says. “Title VII of the Civil Rights Act has expanded since I started, and together with the enactment of the Americans with Disabilities Act and the Family and Medical Leave Act, and the additional protections enacted for LGBTQ individuals, the issues I address are constantly evolving.

“I would say I learn something new every day because nothing stays stagnant in this area,” he says. “It keeps me on my toes at all times.”

In addition to managing the 44-attorney firm, about 75 percent of his work today involves representing public and private sector employers in litigation matters ranging from employment contract disputes, restrictive covenant injunction matters and class actions to discrimination, harassment and retaliation claims.

He also participates in alternative dispute resolution proceedings, including mediation and arbitration.

“When I first started at the firm, I was doing litigation almost exclusively,” he says. “But as clients got to know me, they started asking me to regularly serve as an adviser on daily

employment issues.”

With the #MeToo and Time’s Up! movements, Convery says the firm is receiving more requests to conduct anti-harassment training at businesses, refine employee policies, as well as handle issues involving pay equity.

The so-called “gig economy” is presenting new challenges for businesses as they seek to classify employees and navigate Fair Labor Standards Act issues.

Social media also plays an important role in many of the firm’s cases.

“From the discovery phase to the evidence that is presented at trial, employee postings can sometimes play a pivotal role in a case,” Convery says. “I had one case where an employee was claiming she was forced out by the employer, but on her Facebook page, she discussed how she was planning to leave for a long time.

“Employers also have to be very careful with social media posts because the National Labor Relations Board has made it clear they have a right to engage in protected concerted activity, and employers must walk a fine line to ensure they do not violate that right.

“Employees are allowed to post grievances or complaints about certain conditions of employment, and they cannot be fired or disciplined for simply speaking out,” he says.

Convery says his favorite types of cases are discrimination lawsuits.

“There are so many facets to these cases. You are challenged to portray employment decisions not just in a non-discriminatory or non-retaliatory light, but you must convince a jury the decision in dispute was ‘fair’ as jurors gravitate to do what they feel is the right thing.”

Although he enjoys the fast-paced environment of litigating in the courtroom, Convery says about 95 percent of cases are resolved through settlements.

As a result, when a matter first comes in, he evaluates the likelihood that it can be resolved without a trial.

“Clients don’t like to spend a lot of money on litigators, so early on I discuss the facts of the case and provide an assessment as to whether I think it should be left in the hands of the jury,” Convery says.

“If we proceed with the case as though we are going to trial, I update the client at each point along the way to determine if we should consider a settlement.”

HARD FOUGHT BATTLE

With more than 30 years of lawyering under his belt, Convery has taken on his share of difficult cases.

Still, he says there was no case more demanding than *Chesmore v. Alliance Holdings, Inc.*, a class action ERISA (Employee Retirement Income Security Act) case in which a group of employees charged their employer, owners and

investors, and numerous others, with breaching their fiduciary duties in connection with setting up and executing a complex transaction that rendered the plaintiffs’ interests in an employee stock ownership plan essentially worthless.

The action was filed in federal court in the Western District of Wisconsin, requiring Convery and his team to pack up and work out of a hotel in Madison.

While the parties had anticipated a three-week trial, the court determined it would be concluded in two weeks or less.

Convery says the trial started every day at 8 a.m. sharp and continued with testimony as late as 8 p.m. on multiple days.

“The trial day would end late, and you had just a few hours to eat, meet witnesses, prepare for the next day, and try to get some sleep.”

On the last day of testimony, Convery had to examine or cross-examine three expert witnesses, including a surprise last-minute rebuttal expert.

In the end, he says, it was all worth it after the judge dismissed the charges against his client, Alpha Investments, but found the remaining defendants all liable for amounts in excess of \$10 million.

Convery, along with his Laner Muchin team, also successfully tried a class action wage and hour case involving Chicago police officers who alleged they were required to use their cellphones to perform off-duty work without pay.

“This was the first case in the country to be tried regarding off-duty cellphone overtime claims,” he says.

“The victory was affirmed by the 7th Circuit Court of Appeals, and the U.S. Supreme Court just recently denied further review in a case of first impression.”

Convery’s dedication and ability to interpret and translate complicated information are some of the reasons that David A. Perry, a partner at the certified public accounting firm Friedman & Huey Associates LLP says he’s retained his services for almost 20 years.

“One thing about working with Jim is that you always gain a deeper understanding of the matter that makes you smarter than when you started,” says Perry. “He is focused and to the point.

“Jim not only offers you a solution, he explains why he recommends a course of action,” says Perry. “He’s a pleasure to deal with. He is respectful and he never leaves you waiting around for an answer. He really loves what he does, which is what makes him so good at it.”

Ed Dutton, director of legal services and general counsel for the Park District Risk Management Agency (PDRMA), says the agency has relied on Convery to handle a variety of employment-related and ADA legal matters over the years.

“Jim is always well prepared, and he has a knack for drilling down on the issues and

making sure everyone is on the same page,” says Dutton. “Jim is soft-spoken and even-keeled and extremely knowledgeable on all aspects of employment law and court procedures.

“I’ve always been completely satisfied and happy with the outcomes of any matter that he’s worked on.”

CONVERY AS MANAGING PARTNER

In the summer of 2017, Convery took the reins as managing partner at Laner Muchin. He also serves as chair of the firm’s litigation department and has been a member of the executive committee for more than 10 ten years.

One of his main goals is to ensure that the firm’s hiring and promotional policies encourage a diverse workforce.

“It’s not only the right thing to do, it’s something that our clients expect us to do,” Convery says. “We currently have an excellent mix of quality attorneys and staff, but we must continue to strive to stay ahead of the game.

“We have programs in place designed to develop our junior partners and associates to take on more key roles at the firm.”

He is also working to make sure that the firm maintains the same high quality client service as additional senior lawyers retire.

“As one of the oldest boutique law firms in Chicago, we must continue to deliver the top-notch service our clients have come to expect.

“Our firm’s two-hour response rule symbolizes our dedication to client service. We continue to train our attorneys to meet and beat our prompt response target.”

Outside of his duties at the firm, Convery makes it a point to give back to the community whenever possible.

He is a former president and current member of the board of governors of the Catholic Lawyers Guild of Chicago, an association of lawyers and judges in the Chicagoland area that works to support faith-based initiatives in the profession and assist the less fortunate.

He is also a former member of the board of directors at the Irish American Heritage Center.

In his spare time, Convery enjoys working out, reading fiction books and traveling. He has been a DePaul basketball season ticket holder for 44 years and is a current White Sox season ticket holder.

“All of this can be very difficult to maintain, but I know I married very well, and Eileen has always done an incredible job keeping things balanced so I was able to grow my practice and participate in community projects,” Convery says.

Joe Yastrow, who serves as Laner Muchin’s president and on its executive committee, adds that Convery does “a stellar job of balancing his work, community and family life and does all of it while meeting the significant demands of being managing partner at Laner Muchin.” ■